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**OFFICE OF PETITIONS**

In re Application of  
Burch et al.  
Application No. 10/719,211  
Filed: November 21, 2003  
Attorney Docket No. P50383D2

ON PETITION

This is a decision on the petition filed August 11, 2004, to accord the above-identified application a filing date of November 21, 2003.

On November 21, 2003, the application was filed.

Petitioner filed:

- (1) 3 pages of drawings,
- (2) 3 pages of declaration,
- (3) 1 page of transmittal letter,
- (4) 6 pages of preliminary amendment,
- (5) 1 page of abstract, and
- (6) IDS and papers related to IDS.

Petitioner filed two copies of original PCT application, PCT/US96/14554, as published - WO 97/09042. One copy was intended to be the application. The other copy was intended to be part of the documents listed on the first sheet of the Information Disclosure Statement.

The Office did not recognize petitioner's desire to have WO 97/09042 serve as the application.

Since the copy of WO 97/09042 was filed on November 21, 2003, with the application papers, the papers may be used as the application.

In view of the above, the petition is **granted**.

The Office of Initial Patent Examination will process the application with a filing date of November 21, 2003, using 3 pages of drawings, 6 pages of preliminary amendment, and 1 page of abstract filed on November 21, 2003, and 11 pages of specification from WO 97/09042.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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Office of Petitions